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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/675,970

10/02/2003

Yasuo Manabe

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6286

22850

7590

04/21/2008

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

MORILLO, JANELLE COMBS

ART UNIT

PAPER NUMBER

1793

NOTIFICATION DATE

DELIVERY MODE

04/21/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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oblonpat@oblon.com
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Office Action Summary	Application No. 10/675,970	Applicant(s) MANABE ET AL.	
	Examiner Janelle Morillo	Art Unit 1793	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5 and 6 is/are rejected.
- 7) ☒ Claim(s) 3 and 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
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| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark (US 6,146,477) in view of JP 2001-158951A (JP'951).

Clark teaches a method of forming an aluminum alloy casting by hot isostatically pressing (HIPing) followed by solution heat treating, quenching, and artificially aging (see Ex. 1). Clark teaches that the temperature of HIPing is "about the same" as the solution heat treatment temperature, and that pressure is applied during HIPing (column 4 lines 27-30, column 5 lines 24-28). Concerning the amended feature of "introducing the Al alloy casting into an HIP apparatus", because Clark teaches a process of HIPing an aluminum alloy casting, then Clark necessarily teaches introducing the casting into the HIP apparatus. Concerning the amended feature of "reducing the pressure in the HIP apparatus while maintaining the temperature", though Clark does not specify where this step takes place (i.e. in the HIP autoclave furnace, or in a separate furnace), because Clark teaches that the HIPing chamber is heated to about 960 °F and the solution heat treatment occurs at 960-1000 °F (column 5 lines 37-38), it would have been within the level of one of ordinary skill in the art to perform said reducing/maintaining step in the HIP apparatus.

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Clark does not specify either (a) maintaining the temperature by introducing heat or (b) a cooling step in-between the hot working and solution heat treating step. It would have been obvious to one of ordinary skill in the art to (a) maintain the temperature by introducing heat immediately after the hot working step, because JP'951 teaches that maintaining the temperature at high temperatures immediately after hot working and prior to precipitation hardening is beneficial for enhancing the strength (while saving energy with respect to a cooling step in-between) see JP'951 at abstract.

Concerning claim 2, Clark teaches the alloy is preheated to the HIP temperature (column 4 lines 19-20) in an autoclave to a high temperature. Concerning the amended feature of "said high temperature/high pressure treatment is performed in the HIP apparatus", as stated above, Clark teaches HIPing, which qualifies as high temperature/high pressure treatment, occurs in a HIP apparatus.

3. Claims 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark and JP'951 in view of "ASM Handbook: Vol. 7 Powder Metal Technologies and Applications" (hereinafter "ASM Vol. 7") p. 608-609.

Clark and JP'951 are discussed in paragraphs above. Clark teaches the alloy is heated in an autoclave chamber to the HIP temperature (column 4 lines 19-20) and hot isostatically process in said chamber at said temperature (column 5 lines 30-33). Clark teaching that "ASM Vol. 7" p 608-609 describes typical autoclave apparatus used to in HIP process, including a cold-loading autoclave as taught by Clark (or alternatively, a hot loading autoclave, as claimed in instant cl. 6), and wherein said vessel contains a furnace/heater together with the material to be processed in a chamber that is evacuated, purged, and heated (p608). It would have been obvious to one of

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ordinary skill in the art to use a hot-loading type autoclave as taught by “ASM Vol. 7” because hot-loading autoclaves are known for the suitable purpose of reducing cycle time (p 608, 3rd column).

Response to Amendment/Arguments

4. In the amendment filed on January 23, 2008 applicant amended claims 1-6, and submitted various arguments traversing the rejections of record.

5. In response to applicant’s argument that the prior art does not teach maintaining a high temperature after application of pressure, JP’951 clearly teaches maintaining a high temperature immediately after hot working and prior to precipitation hardening (T5 type heat treatment).

Applicant further argues that the instantly amended claims require the temperature to be maintained in the apparatus, and secondary reference JP’951 does not teach or suggest this feature. As stated above, concerning the amended feature of “reducing the pressure in the HIP apparatus while maintaining the temperature”, though Clark does not specify where this step takes place (i.e. in the HIP apparatus or in a separate furnace), because Clark teaches that the HIPing chamber is heated to about 960 °F and the solution heat treatment occurs at 960-1000 °F (column 5 lines 37-38), it would have been within the level of one of ordinary skill in the art to perform said reducing/maintaining step in the HIP apparatus of Clark.

6. Applicant’s argument that the present invention is allowable over the prior art of record because Clark and JP’951 are not combinable/not analogous art has not been found persuasive. Though Clark and JP’951 are drawn to different types of working applied to aluminum alloy products, both are drawn to solution heat treating aluminum alloys in order to improve

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properties, and are combinable for the reasons set forth above (Clark at col. 5 lines 34-35; JP'951 at abstract). Because both Clark and JP'951 are drawn to heat treatment of aluminum alloys, and therefore are considered analogous art both with respect to the instant claims and with respect to each other.

Allowable Subject Matter

7. Claims 3 and 4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The examiner agrees that the prior art does not teach or suggest a method of treating aluminum alloy castings by the presently claimed steps of: introducing Al casting into a HIP apparatus, subjecting to high temperature/high pressure HIP treatment, reducing the pressure in the HIP apparatus while maintaining the temperature at about the same temperature, solution treatment, quenching, and aging; complete with providing the casting with a heat insulating structure prior to introducing into the HIP apparatus.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janelle Combs-Morillo whose telephone number is (571) 272-1240. The examiner can normally be reached on 8:30 am- 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Roy King/
Supervisory Patent Examiner, Art Unit
1793

/J. M./
Examiner, Art Unit 1793
April 9, 2008

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	10/675,970	MANABE ET AL.	
	Examiner	Art Unit	
	Janelle Morillo	1793	